

PLANNING COMMISSION SPECIAL MEETING MINUTES OF MARCH 6, 2006

2005-0027 – Places of Assembly located within Industrial and Commercial Zones – RK

Andy Miner, Principal Planner, presented the staff report. He said this report was prepared by Ryan Kuchenig, Assistant Planner and himself. He said staff is recommending Alternative 1 that is to adopt the policy, to introduce an ordinance to create a Places of Assembly (POA) Combining District to provide locational criteria of where these uses could occur in the commercial areas, to refine the definitions and modify the use tables, to initiate the rezoning study for POA Combining District, and to initiate a rezoning study to take properties that are used for POAs and rezone them to Public Facility (PF) zones.

Trudi Ryan, Planning Officer, said she received several questions from Comm. Sulser prior to the meeting. Ms. Ryan said he asked how much industrial land is enough industrial land for Sunnyvale. Ms. Ryan said there is no specific number and that though Sunnyvale no longer has as much manufacturing as it did in the past that Sunnyvale still has Research and Development (R&D) uses. She commented that regulations for hazardous materials have become more restrictive over time and businesses have a greater responsibility. She said that the City will probably want to retain most of the existing land for current and future industrial uses. She said the City does have a pending Industrial to Residential study that includes a market analysis. She said Comm. Sulser also asked whether rezoning Residential to PF would affect Sunnyvale's Housing element. She said this is an excellent question and the City would have to consider the question for any rezone to see if it affects the regional housing needs. She said the issue of overconcentration of POAs could be evaluated in the Use Permit process.

Comm. Babcock referred to page 3 of the staff report and asked, of the 120 POAs in the City, how many of the POAs are in the different zones, i.e. residential, industrial. Mr. Miner said that approximately 35 to 40 POAs are located in the Industrial and Service (M-S) zone. She asked if a church is currently in a residential zone and the site gets rezoned to PF, does the owner have the right to dispute the rezone. Ms. Ryan said that the rezone would be considered at a public hearing allowing the public the opportunity to be heard. Ms. Ryan said that by law the City does have the right to change zoning if it is in the best interest of the community and furthers the City's goals. Comm. Babcock referred to page 1 of the report, and confirmed that staff is only proposing to rezone POAs in residential areas to PF zones. Comm. Babcock asked how much acreage in the City is zoned M-S

commenting that the report indicates the allowance of 168 acres of PD overlay. Ms. Ryan said the total industrial acreage in the City is about 2200 acres with half of that acreage being the Moffett Park Specific Plan area. The POA zones would be the only areas where Use Permits for POAs could be applied for in industrial areas. Comm. Babcock and staff further discussed the possible effects of rezoning land to allow POAs and the possible downgrading of that land that would no longer be used for industrial. Ms. Ryan said that the notion of the Combining District is that the underlying zone of the M-S Zoning District would remain in place and that these would be the only M-S districts where POA use could be considered. Comm. Babcock referred to Attachment K and said she understood most of the "areas" under Attachment K except page 3 in "the Woods" area and questioned why this area was included in the study. Mr. Miner said this area was included as an opportunity area as there has been interest in this area for POAs. Ms. Ryan referred to several areas that POA applications have received for and commented that POAs are both community serving and educational enrichment type uses. Comm. Babcock asked if there has been any consideration in this study of adding a new school site. Ms. Ryan said that staff looked at property for schools and that none of the locations reviewed met the acreage that a public school would need.

Comm. Klein referred to Attachment K and asked how staff chose these areas and what the next phase would be after reviewing these areas. Mr. Miner discussed staff's criteria for selecting the suggested areas and said the next phase would be to establish the areas and unless a POA overlay was part of the zone then the area could not be considered for a POA use. Comm. Klein asked how many POA designated sites are currently in the suggested areas. Mr. Miner said there are approximately two or three in each map area (Attachment K). Comm. Klein commented that Mountain View does not allow childcare in industrial zones and asked staff to comment on daycare in relation to POAs. Ms. Ryan said daycare was not addressed as staff is not recommending any change towards the daycare policy. Comm. Klein and staff discussed daycare in M-S zones confirming that that a daycare is only permitted on-site, by the employer for employee children only, and has specific rules about the size of the daycare and its proximity to chemicals.

Chair Hungerford asked staff for clarification about staff's recommendation, Alternative 1. He confirmed that commercial and industrial zones would be treated differently in regards to POAs, with industrial areas having an overlay district and commercial, having a set of criteria to be met to go into commercial area. Chair Hungerford and staff discussed that most POAs would still require a Use Permit and referred to Attachment I that breaks out the process for each type of zone. Chair Hungerford confirmed that the second part of the Alternative 1 recommendation is to have a better definition of POAs, including three levels of education, recreation and athletic, and POAs. Ms. Ryan referred to Attachment I and Attachment H and said staff

broke the definitions down into different pieces to get better definitions of uses and to use the same terminology across all zoning districts. Chair Hungerford referred to Attachment N and said one category that seemed to get lost when defining the terms were parks and playgrounds and asked where these new definitions should be. Ms. Ryan acknowledged that the definitions probably should retain some references to parks and playgrounds. **Rebecca Moon**, Assistant City Attorney, asked Chair Hungerford if he was referring to the residential zone of Attachment N, page 3 and said that staff crossed out "B. Public schools, parks, playgrounds and recreational areas" because those would be part of the educational definitions. She said that some of the definitions seemed to overlap with other areas, but that the definitions could be modified to include private parks.

Comm. Simons commented that some of the uses that have been discussed were not uses that led to this study, i.e. daycares and private parks. He referred to an ambulatory daycare center that used to be an industrial area, but has since closed and asked would this type of use be an excluded use in the future. Ms. Ryan said yes, this facility would not be approved today, as the regulation has changed, as staff weighs the convenience to the employees versus the inconvenience to the business. Comm. Simons asked about "Planet Granite", a new rock climbing gym that was approved recently. He asked if this type of use would be excluded if it were not in an overlay area. Ms. Ryan said that this particular business is in an area that is proposed to be considered for rezoning to a POA Combining District. Comm. Simons and staff discussed an additional area suggested for possible rezoning near Wolfe Road and Stewart Drive, adjacent to a park and school site, that should have been included on Map 5 of Attachment K. **Ms. Ryan said that staff's recommendation is now amended to include the two parcels at the corner of Wolfe and Stewart on the north side of Stewart for consideration as a POA Combining District.** Comm. Simons and staff further discussed daycare in industrial areas. Mr. Miner referred to Attachment N, page 12 under "Applications" which indicates additional criteria to be met when serving sensitive populations such as with daycares.

Chair Hungerford opened the public hearing.

Harriet Rowe, a Sunnyvale resident, said that she feels that other nearby Cities are dealing with the same problems and she hopes Cities can get together to come up with the best solution. She said that POAs are attempting to move into the industrial areas because they cannot afford the residential areas. Ms. Rowe gave some figures about the sharp increase of POA Use Permit applications over the past couple of years and expressed her concern about the City losing industrial land. She expressed her concern about existing churches selling their land and wanting to move into the industrial areas to reduce their tax base. She said she thinks the City should work hard to protect these R & D areas. She said she thinks this study issue

is a good start and would like to see the Planning Commission support the staff recommendation. She expressed her concern about the Crescent Terrace area being included as a possible area for a religious site use and suggested that staff re-check this area. She discussed PF zones and church uses.

Comm. Simons asked Ms. Rowe if she supported the idea of rezoning POA use sites located in residential zones so they do not get sold and made into more housing.

Ms. Rowe said that she would be supportive of the rezone to POA if it is conducive to the neighborhood.

Ms. Ryan clarified that the PF zoning districts are not just for churches and that there other uses that can be considered in a PF district.

Chair Hungerford closed the public hearing.

Comm. Babcock asked staff if the Planning Commission is to approve all of the properties identified in Attachment K through M, or to specifically include or exclude certain proposed properties. Ms. Ryan said staff recommends that the Commission recommend that all the proposed properties be looked at in more detail and when the Commission begins considering rezones that specific properties can then be included or excluded.

Comm. Simons moved for Alternative 2 which is Alternative 1 with modifications. The motion is to:

- A. Adopt attached policy (Attachment M) regarding location of Places of Assembly and Recreation uses, which policy should be incorporated into the Land Use and Transportation Element of the General Plan in its next revision.**
- B. Introduce attached ordinance (Attachment M), which implements the following:**
 - i. Creates a new Combining District (POA) to permit Places of Assembly and Recreation Uses in designated areas within the Industrial and Service (M-S) zoned areas.**
 - ii. Provides locational criteria for Places of Assembly and Recreation uses in commercial district (C-1, C-2, C-3)**
 - iii. Refines definitions and modifies the use tables in Title 19 of the Sunnyvale Municipal Code to add the POA Combining District and to indicate in which districts**

each of the types of Places of Assembly and Recreation uses are permitted.

C. Initiate rezoning study of properties identified in Attachment K to M-S/POA Combining District.

D. Initiate rezoning study of residential sites identified in Attachment L, on which Community Service Places of Assembly are now located, to “PF” Zoning District.”

The modifications are: to modify Attachment K page 5, Map 5, to include for consideration two additional properties on the NE corner of the map. Comm. Babcock seconded.

Comm. Babcock offered a Friendly Amendment to have staff check where Parks and Recreation would be slotted in the use tables; to reduce the total number of acres (from 168 acres) for the PD overlay starting with the Woods property (POA) (Attachment K page 3, Map 3); Rebecca Moon, Assistant City Attorney, confirmed with Comm. Babcock that private parks and playgrounds are uses being addressed. Comm. Simons accepted the Friendly Amendment.

Comm. Simons said that his main concern with this issue is to make consistent policy for the City so applicants will clearly know whether an area is appropriate or inappropriate for a particular use. He said that he hopes this study will help build the broader policy that the City Council will make a decision on.

Comm. Babcock said she agrees with Comm. Simons and said that the City should not lose sight of the importance of the Industrial and Manufacturing businesses. She said if the sites are broken up it limits what type of uses can be allowed on a site and limits future growth. She said the City needs to be careful about allowing “sensitive receptors” uses and commented that once the Industrial land is gone, the City cannot go backwards.

Ms. Ryan asked for clarification to Comm. Babcock's Friendly Amendment regarding the reduction in the number of acres that would be a part of the rezoning study. Comm. Babcock clarified that the Friendly Amendment was a general direction to staff to **reduce the number of acres down from the 168 acres for the PD overlay and to start the reduction in the Woods area.**

Chair Hungerford said he wanted to commend staff for doing a good job on this report and that breaking the issue down into two stages made it easier to understand and implement.

Final Action:

- A. Comm. Simons made a motion on 2005-0027 to Adopt attached policy (Attachment M) regarding location of Places of Assembly and Recreation uses, which policy should be incorporated into the Land Use and Transportation Element of the General Plan in its next revision.**
- B. Introduce attached ordinance (Attachment M), which implements the following:**
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 - ii. Provides locational criteria for Places of Assembly and Recreation uses in commercial district (C-1, C-2, C-3)**
 - iii. Refines definitions and modifies the use tables in Title 19 of the Sunnyvale Municipal Code to add the POA Combining District and to indicate in which districts each of the types of Places of Assembly and Recreation uses are permitted.**
- C. Initiate rezoning study of properties identified in Attachment K to M-S/POA Combining District.**
- D. Initiate rezoning study of residential sites identified in Attachment L, on which Community Service Places of Assembly are now located, to "PF" Zoning District."**

The modifications are; to have staff check where Private Parks and playgrounds, would be slotted in the use tables; and to reduce the total number of acres, down from 168 acres, for the PD overlay with the reduction starting with the Woods property (POA) (Attachment K page 3, Map 3.) Comm. Babcock seconded.

Motion carried unanimously, 6-0.

This item is to be heard by the City Council on March 21, 2006.